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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation Against:**

Case No. *2011-394*

13 CAROLYN JANET SMITH
9989 Cape May Street
Las Vegas, NV 89141

A C C U S A T I O N

14 **Registered Nurse License No. 631668**

15 Respondent.

16
17 Complainant alleges

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about January 30, 2004, the Board of Registered Nursing issued Registered
23 Nurse License No. 631668 to Carolyn Janet Smith (Respondent). The Registered Nursing
24 License was in full force and effect at all times relevant to the charges brought in this accusation
25 and will expire on March 31, 2011, unless renewed.

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COST RECOVERY

8. Section 125.3 of the Code provides, in relevant part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code §2761(a)(4))

9. Respondent has subjected her Registered Nursing License to disciplinary action under Code section 2761(a)(4) in that on or about October 20, 2009, in a disciplinary action before the Nevada State Board of Nursing (Nevada Board), the Nevada Board entered into an Agreement for Reprimand with Respondent. Based on the agreement, the Nevada Board issued a disciplinary decision on January 15, 2010, which ordered Respondent to be publicly reprimanded. The decision also ordered, as a condition of Respondent's licensure, that she successfully complete three nursing classes. The decision described the classes as "legal ethics in nursing for a minimum of 30 contact hours," the "Nevada Nurse Practice Act web based course," and "Professional Accountability and Legal Liability." The decision ordered Respondent to provide documentation of completion of these courses to the Nevada Board within six months.

10. The Nevada Board based its decision on Respondent's actions on or about June 30, 2009. Specifically, while Respondent was working as a Registered Nurse in the emergency room of a hospital, she inserted a urinary catheter on a patient after a physician instructed her not to insert the catheter. This incident, admitted by Respondent, constituted 1) "unprofessional conduct" and 2) "practicing beyond the scope" in violation of the Nevada Administrative Code.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse Number 631668, issued to Carolyn Janet Smith;
2. Ordering Carolyn Janet Smith to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: October 29, 2010


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2010900341